



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

November 2, 2012

VIA E-MAIL

REENIE WEISS
1510 SE ALEXANDER AVE
CORVALLIS, OR 97333

SUBJECT: Ground Water Registration Modification T-11416

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11416. This document is an intermediate step in the approval process; water may not be used legally as proposed in the ground water registration modification application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Eugene Weekly newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrd.state.or.us if I may be of assistance.

Sincerely,



Kelly Starnes

Ground Water Registration Modification Specialist

cc: GR Modification T-11416
Mike McCord, District 16 Watermaster (*via e-mail*)
Sheri Ame, Agent for the applicant (*via e-mail*)

enc

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Ground Water)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING APPROVAL OF
T-11416, Benton County)	RECOGNITION OF A MODIFICATION
)	IN A POINT OF APPROPRIATION

Authority

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

REENIE WEISS
1510 SW ALEXANDER AVE
CORVALLIS, OR 97333

Findings of Fact

Background

1. On May 7, 2012, REENIE WEISS filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1887 (Certificate of Registration GR-2747). The Department assigned the application number T-11416.
2. On May 4, 2012, Registration Application GR-1887 (Certificate of Registration GR-2747) was partially assigned from OSCAR KENDALL to REENIE WEISS.
3. The portion of the ground water registration to be modified is as follows:

Registration: Application GR-1887 (Certificate of Registration GR-2747), in the names of OSCAR KENDALL, ANNA E. JOLLES, DAVID A. LYTTLE, AND REENIE WEISS; as modified by Special Order Volume 80, Page 257.

Use: IRRIGATION OF 6.0 ACRES

Tentative

Priority Date: 1911

Quantity: 62.83 GALLONS PER MINUTE (0.14 CUBIC FOOT PER SECOND)

Source: WELL 1 within the WILLAMETTE RIVER BASIN

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	5 W	WM	12	NW SW	WELL 1 - 290 FEET SOUTH AND 800 FEET EAST FROM THE W¼ CORNER OF SECTION 12

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	5 W	WM	11	SE NE	6.0

4. Ground Water Registration Modification Application T-11416 proposes to modify the location of the original point of appropriation approximately 1800 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	5 W	WM	11	SE NE	650 FEET NORTH AND 720 FEET WEST OF THE W¼ CORNER OF SECTION 12

5. Notice of the application for ground water registration modification was published on May 15, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. On September 19, 2012, the Department e-mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11416 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 22, 2012, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the Groundwater Registration Modification.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

7. The proposed modification would not result in enlargement of the ground water registration.
8. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
9. The proposed modification would not result in injury to other water rights.

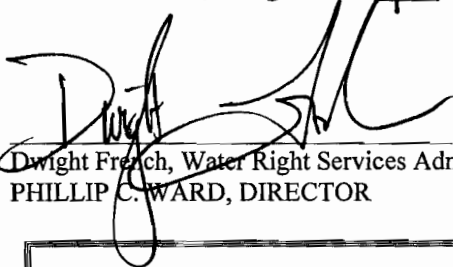
Determination and Proposed Action

The modification in point of appropriation proposed in Ground Water Registration Modification T-11416 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-380-4030, the modification will be approved.

If Ground Water Registration Modification T-11416 is approved, the final order will include the following:

- 1. The modification to Registration Application GR-1887 (Certificate of Registration GR-2747) proposed in Ground Water Registration Modification Application T-11416 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
- 2. The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-1887 (Certificate of Registration GR-2747) and any related decree.*
- 3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 4. Water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.*
- 5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 6. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each new point of appropriation.*
 - b. The water user shall maintain the meter or measuring device in good working order.*
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 1 day of November, 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrд.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.